IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 6681 of 2007

Dr.(Shri) Arun Ganpat Kaisare ..Petitioner

vs.

Shri Prabhakar Gajanan Godse ..Respondent

Shri S.V.Palsuledesai for petitioner.

CORAM: S.C.DHARMADHIKARI J.
19th NOVEMBER, 2007

P.C.

1. The order under challenge does not preclude the petitioner from urging that the suit which has been filed in 1992 (Reg.Civil Suit No.612 of 1992(does not meet the requirements of Order 35 Rule 1 of the Code of Civil Procedure. The learned Trial Judge has observed that 4 suits including this suit has been agreed to be tried and decided together. There is a common purshis filed. To my mind, if the petitioner succeeds in proving his right and the case set up in other suits, naturally it would be open for him to urge that the interpleader suit does not survive or is otherwise not maintainable. Such arguments are still open and it is not as if they are closed by rejection of the application made by the petitioner in the interpleader's suit. Leaving

all contentions open for both sides in that behalf, this petition is dismissed.

(S.C.DHARMADHIKARI J.)